

The Gazette of India

EXTRAORDINARY

PART II—Section 2

PUBLISHED BY AUTHORITY

No. 33] NEW DELHI, TUESDAY, AUGUST 13, 1963/SRAVANA 22, 1885

BILL No. XXXI OF 1963

A Bill further to amend the Code of Civil Procedure, 1908.

Be it enacted by Parliament in the Fourteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Code of Civil Procedure (Amendment) Act, 1963. Short title
and com-
mencement

(2) Section 2 shall come into force at once, and section 3 shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

5 of 1908.

2. In section 60 of the Code of Civil Procedure, 1908 (hereinafter referred to as the principal Act), in clause (i) of the proviso to sub-section (1), for the words “the first hundred rupees”, the words “the first one hundred and fifty rupees” shall be substituted. Amendment
of section 60.

3. In section 80 of the principal Act,—

(a) for the words “shall be instituted against the Government”, the words and brackets “shall be instituted against the Government (including the Government of the State of Jammu and Kashmir)” shall be substituted; Amendment
of section 80.

(b) after clause (b), the following clause shall be inserted, namely:—

“(bb) in the case of a suit against the Government of the State of Jammu and Kashmir, the Chief Secretary to

that Government or any other officer authorised by that Government in this behalf;”;

(c) in clause (c), for the words “a State Government”, the words “any other State Government” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Under section 60 of the Code of Civil Procedure, 1908, salary to the extent of the first hundred rupees and one-half of the remainder is not liable to attachment in execution of any decree other than a decree for maintenance. The dearness allowance payable to a government servant was also exempted from attachment by a notification of 1949. The merger of dearness allowance with pay has rendered this notification infructuous. It is therefore proposed to amend section 60 by raising the exemption limit for attachment of salary from Rs. 100/- to Rs. 150/-. It is also proposed to amend section 80 of the Code to make it clear that the provisions of the section as to notice in suits against Government apply also in the case of suits against the Government of Jammu and Kashmir. The Jammu and Kashmir Government have agreed to amend on a reciprocal basis the corresponding provision in the Jammu and Kashmir Civil Procedure Code so that it is applicable in respect of suits filed in Jammu and Kashmir against the Central Government or any other State Government.

ASOKE K. SEN.

NEW DELHI;

The 3rd August, 1963.

S. N. MUKERJEE,
Secretary.

